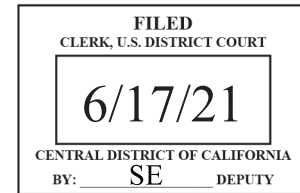


1 TRACY L. WILKISON
Acting United States Attorney
2 DAVID K. BARRETT
Assistant United States Attorney
3 Chief, Civil Fraud Section
FRANK D. KORTUM
4 Assistant United States Attorney
California State Bar No. 110984
5 Room 7516, Federal Building
300 North Los Angeles Street
6 Los Angeles, California 90012
Tel: (213) 894-6841; Fax: (213) 894-7819
7 E-mail: frank.kortum@usdoj.gov



8 Attorneys for the United States of America

9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION

12 UNITED STATES OF AMERICA *ex*
rel. [UNDER SEAL],

13 Plaintiff[s],

14 v.

15 [UNDER SEAL],

16 Defendant[s].

No. CV 18-08311-ODW-ASx

STIPULATION REQUESTING
EXTENSION OF SEAL AND ELECTION
PERIOD OF UNITED STATES, STATE
OF CALIFORNIA, AND LOS ANGELES
COUNTY

**[FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]**

[FILED/LODGED CONCURRENTLY
UNDER SEAL: (1) MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF STIPULATION;
DECLARATION OF FRANK D.
KORTUM IN SUPPORT THEREOF; (2)
[PROPOSED] ORDER EXTENDING
SEAL AND ELECTION PERIOD OF
UNITED STATES, STATE OF
CALIFORNIA, AND LOS ANGELES
COUNTY]

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FRANK D. KORTUM
4 Assistant United States Attorney
California State Bar No. 110984
5 Room 7516, Federal Building
300 North Los Angeles Street
6 Los Angeles, California 90012
Tel: (213) 894-6841; Fax: (213) 894-7819
7 E-mail: frank.kortum@usdoj.gov

8 Attorneys for the United States of America

9 UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION

12 UNITED STATES OF AMERICA ex
rel. IONM LLC, a Delaware corporation
13 and ex rel. JUSTIN
CHEONGSIATMOY, M.D.; STATE OF
14 CALIFORNIA ex rel. IONM LLC, a
Delaware corporation and ex rel.
15 JUSTIN CHEONGSIATMOY, M.D.;
and LOS ANGELES COUNTY ex rel.
16 IONM LLC, a Delaware corporation; and
ex rel. JUSTIN CHEONGSIATMOY,
17 M.D., and JUSTIN
CHEONGSIATMOY, M.D., in his
18 individual capacity,

19 Plaintiffs,

20 v.

21 UNIVERSITY OF SOUTHERN
CALIFORNIA, a California corporation,
22 Defendant.
23

No. CV 18-08311-ODW-ASx

STIPULATION REQUESTING
EXTENSION OF SEAL AND ELECTION
PERIOD OF UNITED STATES, STATE
OF CALIFORNIA, AND LOS ANGELES
COUNTY

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THE FALSE CLAIMS ACT, 31 U.S.C.
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DECLARATION OF FRANK D.
KORTUM IN SUPPORT THEREOF; (2)
[PROPOSED] ORDER EXTENDING
SEAL AND ELECTION PERIOD OF
UNITED STATES, STATE OF
CALIFORNIA, AND LOS ANGELES
COUNTY]

1 IT IS HEREBY STIPULATED AND AGREED by and among *qui tam* plaintiffs
2 IONM LLC and Justin Cheongsiatmoy, M.D. ("Relators"), the United States of America
3 ("United States"), the State of California ("California"), and Los Angeles County, by
4 their respective attorneys of record and subject to the approval of the Court, that:

5 (1) the United States, California, and Los Angeles County shall have an additional
6 six months, to and including December 30, 2021, within which to file their respective
7 notices of election regarding intervention in this action pursuant to 31 U.S.C. §
8 3730(b)(4), Cal. Government Code § 12652(c)(6), and California Insurance Code §§
9 1871.7(e)(2) and (e)(3); and

10 (2) pursuant to 31 U.S.C. § 3730(b)(3), the Complaint and all other papers filed or
11 lodged in this action shall remain sealed, to and including December 30, 2021.

12 The reasons for this request are set forth in the Memorandum of Points and
13 Authorities and Declaration filed concurrently herewith.¹

14
15 Respectfully submitted,

16
17 Dated: June 16, 2021

18 WILBANKS AND GOUINLOCK, LLC

19 
20 MARLAN WILBANKS

21 Attorneys for Relators
22
23
24
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27 ¹ Federal Rule of Civil Procedure 5(a) does not require this Stipulation, the [Proposed]
28 Order lodged herewith, or the Supporting Memorandum and Declaration filed herewith
to be served upon the Relators, California, or Los Angeles County.

1 Dated: June 16, 2021

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU



MITCHELL NEUMEISTER

Attorneys for the State of California

6 Dated: June ___, 2021

CALIFORNIA ATTORNEY GENERAL
BUREAU OF MEDI-CAL FRAUD AND
ELDER ABUSE

JOHN FISHER

Attorneys for the State of California

12 Dated: June ___, 2021

LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE

MARC BEAART
Head Deputy,
Healthcare Insurance Fraud Division

Attorneys for Los Angeles County

TRACY L. WILKISON
Acting United States Attorney
DAVID K. BARRETT
Assistant United States Attorney
Chief, Civil Fraud Section

22 Dated: June ___, 2021

FRANK D. KORTUM
Assistant United States Attorney

Attorneys for the
United States of America

1 Dated: June __, 2021

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU

2
3
4 MITCHELL NEUMEISTER

5 Attorneys for the State of California

6 Dated: June 7th, 2021

CALIFORNIA ATTORNEY GENERAL
BUREAU OF MEDI-CAL FRAUD AND
ELDER ABUSE

8 

9 JOHN FISHER

10 Attorneys for the State of California

11
12 Dated: June __, 2021

LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE

13
14
15 MARC BEAART

16 Head Deputy,
Healthcare Insurance Fraud Division

17 Attorneys for Los Angeles County

18
19 TRACY L. WILKISON
Acting United States Attorney
20 DAVID K. BARRETT
Assistant United States Attorney
21 Chief, Civil Fraud Section

22 Dated: June __, 2021

23 FRANK D. KORTUM

24 Assistant United States Attorney

25 Attorneys for the
26 United States of America

1 Dated: June __, 2021

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU

2
3
4 MITCHELL NEUMEISTER

5 Attorneys for the State of California

6 Dated: June __, 2021

CALIFORNIA ATTORNEY GENERAL
BUREAU OF MEDI-CAL FRAUD AND
ELDER ABUSE

7
8
9 JOHN FISHER

10 Attorneys for the State of California

11
12 Dated: June 17, 2021

LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE

13
14 
15 STEVEN G. FRANKLAND
16 Head Deputy,
Healthcare Insurance Fraud Division

17 Attorneys for Los Angeles County

18
19 TRACY L. WILKISON
Acting United States Attorney
20 DAVID K. BARRETT
Assistant United States Attorney
21 Chief, Civil Fraud Section

22 Dated: June __, 2021

23 FRANK D. KORTUM
24 Assistant United States Attorney

25 Attorneys for the
26 United States of America
27
28

1 Dated: June __, 2021

CALIFORNIA DEPARTMENT OF INSURANCE
FRAUD LIASON BUREAU

2
3
4 MITCHELL NEUMEISTER

5 Attorneys for the State of California

6 Dated: June __, 2021

CALIFORNIA ATTORNEY GENERAL
BUREAU OF MEDI-CAL FRAUD AND
ELDER ABUSE

7
8
9 JOHN FISHER

10 Attorneys for the State of California

11
12 Dated: June __, 2021

LOS ANGELES COUNTY DISTRICT
ATTORNEY'S OFFICE

13
14
15 STEVEN G. FRANKLAND
16 Head Deputy,
17 Healthcare Insurance Fraud Division

18 Attorneys for Los Angeles County

19 Dated: June 17, 2021

TRACY L. WILKISON
Acting United States Attorney
DAVID K. BARRETT
Assistant United States Attorney
Chief, Civil Fraud Section

20
21
22 

23 FRANK D. KORTUM
24 Assistant United States Attorney

25 Attorneys for the
26 United States of America
27
28

DECLARATION RE: LACK OF NECESSITY FOR PROOF OF SERVICE

I, Frank D. Kortum, declare:

1. I am the Assistant United States Attorney who has been assigned responsibility for handling the above-captioned action. I am a member of the Bar of the State of California, and I have been duly admitted to appear before this Court. The following is based on my personal knowledge.

2. I have examined Federal Rule of Civil Procedure (“Rule”) 5(a), which provides as follows:

(a) Service: When Required.

(1) In General. Unless these rules provide otherwise, each of the following papers must be served on every party:

(A) an order stating that service is required;

(B) a pleading filed after the original complaint, unless the court orders otherwise under Rule 5(c) because there are numerous defendants;

(C) a discovery paper required to be served on a party, unless the court orders otherwise;

(D) a written motion, except one that may be heard ex parte; and

(E) a written notice, appearance, demand, or offer of judgment, or any similar paper.

(2) If a Party Fails to Appear. No service is required on a party who is in default for failing to appear. But a pleading that asserts a new claim for relief against such a party must be served on that party under Rule 4.

(3) Seizing Property. If an action is begun by seizing property and no person is or need be named as a defendant, any service required before the filing of an appearance, answer, or claim must be made on the person who had custody or possession of the property when it was seized.

1 The list of documents set forth in Rule 5(a)(1) does not include the document to
2 which this Declaration is attached. The said document also is not a pleading that asserts
3 “a new claim for relief” against any “party who is in default for failing to appear.” (Rule
4 5(a)(2).) Nor was the above-captioned action “begun by seizing property.” (Rule
5 5(a)(3).) Therefore, I believe that Rule 5(a) does not require the document to which this
6 Declaration is attached to be served upon any party that has appeared in the above-
7 captioned action.

8 I declare under penalty of perjury that the foregoing is true and correct.

9 Executed on June 17, 2021, at Los Angeles, California.

10
11 
12 FRANK D. KORTUM